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10 U.S. BANK, N.A.

11  
12 **UNITED STATES DISTRICT COURT FOR THE**  
13 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

14 ELLSWORTH “CHIP” COOKE, an individual, )

15 Plaintiff, )

16 v. )

17 U.S. BANK National Association, a Delaware )  
18 Corporation; and DOES 1 through 50 inclusive, )

19 Defendants. )  
20 )  
21 )  
22 )  
23 )  
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28 )

**Case No. 10-5139 BZ**

**STIPULATION AND [PROPOSED]  
ORDER OF TRANSFER**

Pursuant to Rule 7-12 of the Northern District Local Rules, Plaintiff Ellsworth "Chip" Cooke ("Plaintiff") and Defendant U.S. Bank, N.A. ("Defendant") submit the following stipulation:

WHEREAS the matter of *Jason J. Spainhower v. U.S. Bank National Association*, Consolidated Case No. 08-0137 JHN (PJWx) (C.D. Cal. 2008) ("*Spainhower*") is now pending in the United States District Court for the Central District of California;

WHEREAS Plaintiff is represented by the same counsel in the instant matter who serves as counsel for Plaintiff Jason J. Spainhower.

WHEREAS the parties agree that *Spainhower* and the instant matter are related and that transfer of this matter to the Central District would promote coordination between the cases for the purposes of avoiding conflicts, reducing duplicative efforts, conserving resources, and advancing an efficient determination of the actions; and

WHEREAS the parties agree that it is necessary to conduct discovery and allow adequate time for pre-trial investigation in this action, and therefore this action should not be consolidated with *Spainhower* because the discovery cut-off in that action is set for February 18, 2011 and trial is set for May 17, 2011,

IT IS HEREBY STIPULATED that the Court should transfer this case to the United States District Court, Central District of California for all further proceedings with the recommendation that this action should not be consolidated with *Spainhower* for pre-trial and trial proceedings.

Dated: January 18, 2011

WINSTON & STRAWN LLP

By: /s/ Emilie C. Woodhead  
Emilie C. Woodhead  
Attorneys for Defendant  
U.S. BANK, N.A.

Dated: January 14, 2011

HARRIS & KAUFMAN

By: /s/ Arin Norijanian  
Arin Norijanian  
Attorneys for Plaintiff  
ELLSWORTH "CHIP" COOKE

**ATTESTATION OF CONCURRENCE**

I, Emilie C. Woodhead, declare under penalty of perjury that concurrence in the filing of this document has been obtained from Arin Norijanian, attorney for Plaintiff.

Dated: January 18, 2011

WINSTON & STRAWN LLP

By: /s/ Emilie C. Woodhead  
Emilie C. Woodhead  
Attorneys for Defendant  
U.S. BANK, N.A.

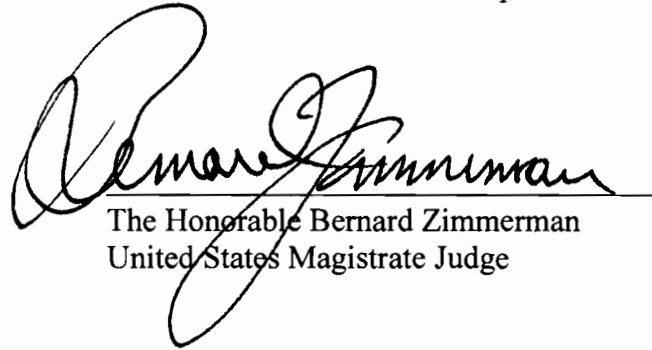
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San Francisco, CA 94111-5802

**[PROPOSED] ORDER OF TRANSFER**

Pursuant to the parties' stipulation, it is hereby ORDERED that this case shall be transferred to the United States District Court, Central District of California for all further proceedings.

It is further recommended that this action should not be consolidated with *Spainhower* for pre-trial and trial proceedings.

DATED: 18 Jan 2011

  
The Honorable Bernard Zimmerman  
United States Magistrate Judge

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